



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 23, 2005

Sarah Brown, Treasurer  
Ohio State Central & Executive Committee  
211 S. Fifth Street  
Columbus, OH 43215

**Response Due Date:**  
**October 24, 2005**

Identification Number: C00162339

Reference: Amended February Monthly Report (1/1/05 – 1/31/05), received 4/25/05

Dear Ms. Brown:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A supporting Line 17 of your report discloses one or more receipts totaling \$2,156.75 from the "State of Ohio". Please amend your report to clarify the nature of these receipts.

-Your report discloses a total of \$1,900 in disbursements to Citizens for Jim Trakas for "72 hr media center reimbursement" (see attached). This appears to be an in-kind contribution made on behalf of your committee as the original payment for the goods and services has been made by an entity other than your committee. Further, Citizens for Jim Trakas appears to be an unregistered organization. 2 U.S.C. §441a(f) states that no candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. Further, in order for a committee to accept contributions from unregistered organizations, your committee should take steps to insure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating §§441a(f) and 441b or 11 CFR §102.5(b).

Additionally, under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: 1) establish a separate account which contains only those funds

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permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

Please amend your report to clarify the nature of the transaction(s) in question and provide the date(s) of activity conducted by Citizens for Jim Trakas. Although the Commission may take further legal action concerning this matter, your prompt action will be taken into consideration.

-Please clarify all expenditures made for "fundraising consultant" and "music for Super Saturday entertainment" on Schedule(s) B supporting Lines 21(b) and 30(b), respectively. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B, E or F supporting Lines 23, 24 or 25 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

-Schedule B supporting Line 21(b) of your report discloses a payment(s) totaling \$13,556.03 for "donor postage" and "donor printing". Expenditures and disbursements for public communications (as defined under 11 CFR §100.26) that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate, rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

-Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) B of your report to clarify the following description(s) paid to individuals: "generic office supplies," "voter registration," "voter turnout," and "door to door worker." For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

-Schedule B of your report discloses reimbursements to individuals for "buckeye chocolates for inauguration," "cell phone reimbursement-volunteer," "reimburse for cell phone," "generic office supplies," "phone center utility," and "postage." Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in \$200 or more in a calendar year, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. Please amend your report to include the missing information. If itemization is not necessary, you must indicate so in an amendment to this report. 11 CFR §300.36(b), and Advisory Opinions 1992-1 and 1996-20, footnote 3

-Schedule B of your report discloses a reimbursement(s) to an individual(s) for apparent travel and subsistence advances in which the total amount reimbursed exceeds \$500. When the reimbursement amount to staff for travel and subsistence advances exceeds \$500, the payments by committee staff that make up the reimbursement may have to be itemized. For example, if the related payment(s) to any one vendor by the staff aggregates \$200 or more for the calendar year, the payment(s) must be itemized as a memo entry for that reimbursement. Each memo entry must include the complete name and address of the original vendor, as well as the date, amount and an adequate purpose. If itemization is not necessary for a particular reimbursement to staff in excess of \$500, you must clarify this in an amendment to this report. Please amend your report to include the missing or clarifying information. 11 CFR §300.36(b) and Advisory Opinion 1996-20, footnote 3

-Schedule B supporting Line 30(b) of your report discloses a payment(s) for "72 hr media center reimbursement," "postage," "target county phone bank-final pymnt," "targeted cnty phone bank final payment," "targeted cnty phone bank final pymnt" and "targeted county phone bank-final pymnt" which is categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. Expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, please be advised that public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions

of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

-Please clarify all expenditures made for "absentee ballot request labels," "door to door GOTV," "get out the vote workers" and "voter registration" on Schedule(s) B. If a portion or all of these expenditures were made for activity that promotes or opposes a Federal candidate, but does not qualify as exempt party activity, this amount should be disclosed on Schedule B or F supporting Lines 23 or 25. 11 CFR §§104.3(b), 104.17(a) and 106.1

-Schedule B supporting Line 21(b) discloses \$150,000 in transfers to what appears to be a non-federal account of your committee. Please provide further clarification regarding this transfer(s) to your non-federal account.

You are advised that 11 CFR §102.5 prohibits a non-federal account from financing activity in connection with federal elections. If any of these disbursements were made to influence the election or defeat of specific federal candidates, the disbursements should be allocated accordingly and disclosed as either in-kind contributions on Schedule B supporting Line 23, independent expenditures on Schedule E supporting Line 24, or as coordinated expenditures on Schedule F supporting Line 25. 11 CFR §§104.3(b)(3) and 106.1 In addition, if your non-federal account has paid any expenditures which should have been allocated, you are advised to correct any non-compliance with 11 CFR §§106.6 and 106.7 and establish procedures to insure future compliance with allocation regulations.

-Schedule H4 supporting Line 21(a) of your report discloses a payment(s) for "staff additional life insurance," "chairmans auto lease" and "housing allowance". Please be advised that pursuant to 11 CFR §300.33(c)(2), salaries and wages for employees who spend more than 25% of their compensated time in a given month on Federal election activity or activities in connection with a Federal election must not be allocated between or among federal and non-federal accounts. Rather, only federal funds may be used. Further, the Commission concluded in Advisory Opinion 2003-11 that amounts spent for employee-specific "fringe benefits," consisting of health insurance, disability insurance, life insurance, retirement benefits and payroll taxes, fall into the category of compensated time.

Any reimbursement from your committee's non-federal account for this payment is not permissible and must be returned. Although the Commission may take further legal action regarding this improper allocation activity, your prompt action will be taken into consideration.

-Commission records indicate the official name of your political committee is "Ohio State Central & Executive Committee." However, your committee has filed this report(s) using the name "Ohio Republican State and Central Executive Committee". While committees may use commonly recognized abbreviations on daily communications (i.e. letterhead and committee checks), committee filings such as disclosure reports and amendments must reflect the official name of the committee, as well as any abbreviation within its title. 11 CFR §102.2(a)(2) and 2 U.S.C. § 433(c) Please amend your Statement of Organization to reflect the apparent change.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,



Laura E. Sinram  
Campaign Finance Analyst  
Reports Analysis Division

OHIO STATE CENTRAL AND EXECUTIVE COMMITTEE

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Recipient Name	Date	Amount	Report
Citizens for Jim Trakas	1/11/05	\$1,900.00	2005 February Monthly

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